Mutual assistance and cooperation between administrations to ensure the correct application of the law on customs and agricultural matters: antifraud system and customs risk management

2013/0410(COD) - 26/03/2014 - Committee report tabled for plenary, 1st reading/single reading

The Committee on the Internal Market and Consumer Protection adopted the report by António Fernando CORREIA DE CAMPOS (S&D, PT) on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 515/97 of 13 March 1997 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of the law on customs and agricultural matters.

The committee recommended that Parliament's position in first reading following the ordinary legislative procedure should amend the Commission position as follows:

Need to fight against fraud: in order to ensure a high level of consumer protection, the report stressed that the Union had a duty to combat customs fraud and thus contribute to the internal market's objective of having safe products with genuine certificates of origin. Given the increase in the scale of customs fraud, it was crucial to increase detection and prevention simultaneously at national and Union level.

Recognition of evidence: for the sake of legal certainty, evidence gathered during the course of administrative processes should be legally recognised in the Member States, **whether arising from assistance on request or from spontaneous assistance**, since there was no reason why the two types of circumstance should be treated differently in terms of their legal validity.

Speed up customs investigations: to this end, Members suggested that the Commission might, under certain circumstances and **following a request to a Member State,** obtain directly from economic operators documents supporting import and transit declarations. The economic operators concerned should be informed which type of procedure applies. These economic operators should be obliged to provide the Commission with the requested documents in good time, following advance notification by the Commission to the Member States.

Data protection: operators must know which organisations and agencies the Commission might transfer data. For legal certainty and transparency Members proposed that the list should be laid down in the basic act, and include the World Customs Organisation, the International Maritime Organization, the International Civil Aviation Organisation and the International Air Transport Association as well as Europol.

Delegated acts: the Commission was urged to consult closely with business representatives of the container liner shipping industry concerning the preparation of the delegated and implementing acts referred to in the regulation. They may be invited to participate in the relevant committee meetings and expert groups that should be used to develop such acts.

Evaluation: two years after entry into force of the regulation, the Commission should carry out an assessment of the necessity of extend the data contained in the directory referred in Article 18a of

Regulation (EC) No 515/97 by including data on export and on the feasibility of extend the data contained in the directory referred in Article 18a of Regulation (EC) No 515/97 by including data on import and transit of goods by land and air.